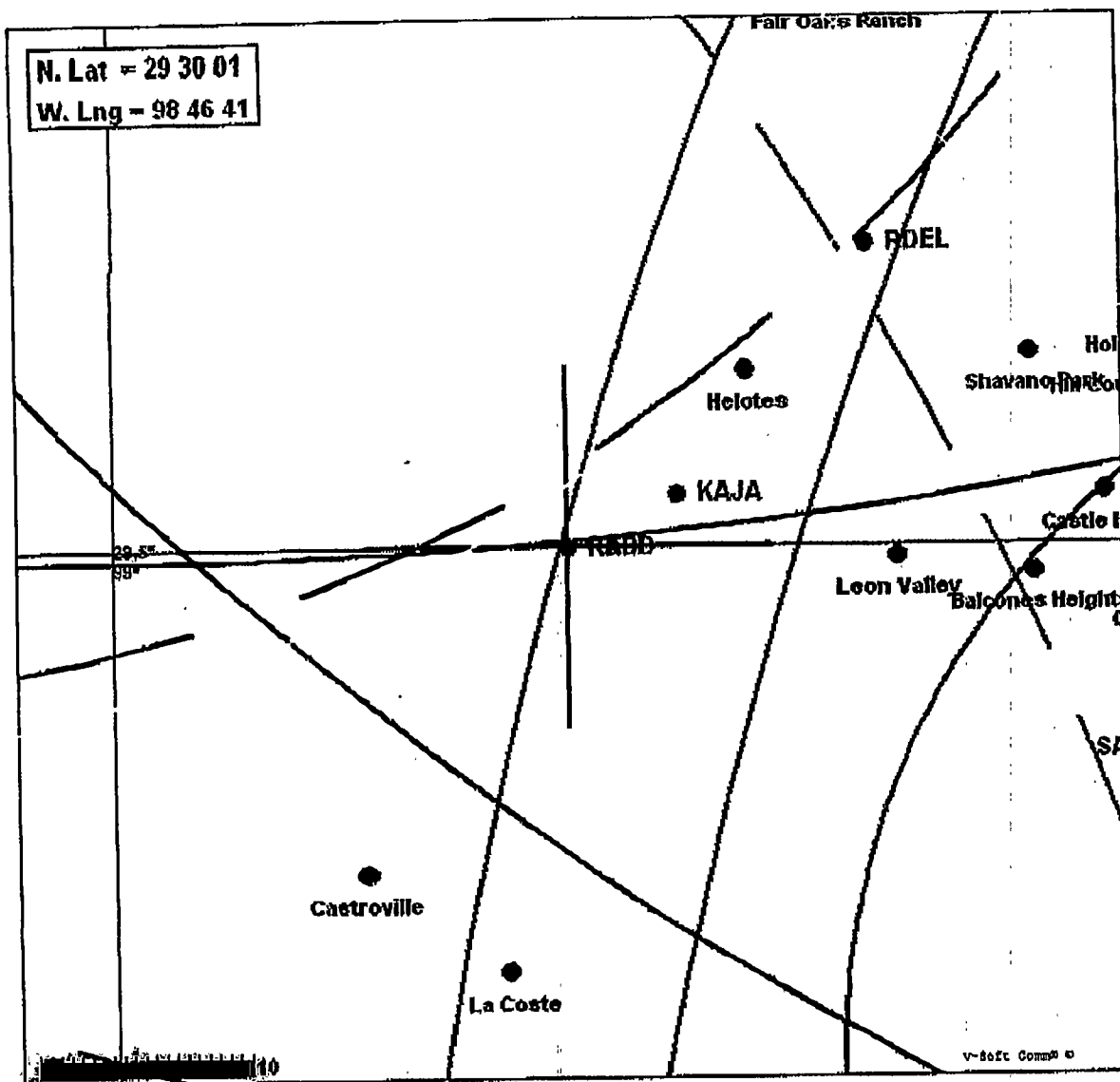


Attachment C

(Channel study for channel 245C1 at San Antonio, Texas)

CH 245 C1, C1, 96.9 MHz
Kzia, Inc.



Data Date:06-05-07 Job Date:06-08-07

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
RADD	245C1	ADD	San Antonio	TX	0.0	0.00	245.0	-245.00
RADD	245C1	ADD	San Antonio	TX	0.0	0.00	245.0	-245.00
RADD	245C3	ADD	Christine	TX	163.9	96.16	211.0	-114.84
RDEL	247C	DEL	San Antonio	TX	0.0	0.00	105.0	-105.00
RADD	245C3	ADD	Tilden	TX	167.0	115.27	211.0	-95.73
KAJA	247C0	LIC	San Antonio	TX	63.8	5.87	94.0	-88.13
RDEL	247C	DEL	San Antonio	TX	43.9	20.53	105.0	-84.47
KHFI-FM	244C1	LIC	Georgetown	TX	45.6	131.17	177.0	-45.83
RDEL	244C1	DEL	Georgetown	TX	45.6	131.17	177.0	-45.83
RDEL	244C1	DEL	Georgetown	TX	38.8	136.53	177.0	-40.47
AL8831	244C	AL	Piedras Negras	CI	242.9	190.75	209.0	-18.25
RDEL	244C1	DEL	Georgetown	TX	39.2	164.93	177.0	-12.07
KIOX-FM	245C1	LIC	El Campo	TX	105.6	244.59	245.0	-0.41
KXYI-FM	245C1	LIC	Brownwood	TX	355.1	245.28	245.0	0.28
RDEL	243A	DEL	Ingram	TX	325.5	77.52	75.0	2.52
KAKI.C	243C3	CP	Ingram	TX	329.8	79.40	76.0	3.40
KIOX-FM.C	245C0	CP	El Campo	TX	106.2	269.47	259.0	10.47

Attachment D
(KTLO-FM's License to Cover for McQueeney, Texas)



Application Search Details

[FCC](#) > [Media Bureau](#) > [MB-CDBS](#) > [CDBS Public Access](#) > [Application Search](#)
[Help](#) [site map](#)

Application Search Details

File Number: BLH-20061114AAL
Call Sign: KLTO-FM
Facility Id: 25588
FRN: 0006193643
Applicant Name: RAWHIDE RADIO, LLC
Frequency: 97.7
Channel: 249
Community of License: MCQUEENEY, TX
Application Type: LICENSE TO COVER
Status: ACCEPTED FOR FILING
Status Date: 11/17/2006
Expiration Date:
Tolling Code:
Application Service: FM
Disposed Date:
Accepted Date: 11/17/2006
Last Public Notice: 11/21/2006
Last Report Number: 26366
Authorization [Authorization not available](#)
Engineering Data [View Engineering Data](#)
Legal Actions [View Legal Actions](#)
PN Comment [Public Notice Comment](#)
Correspondence Folder [View Correspondence Folder](#)

[FCC Home](#) | [Search](#) | [Updates](#) | [E-Filing](#) | [Initiatives](#) | [For Consumers](#) | [Find People](#)

Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission
 445 12th Street SW
 Washington, DC 20554
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)
 TTY: 1-888-TELL-FCC (1-888-835-5322)
 Fax: 1-866-418-0232
 E-mail: fccinfo@fcc.gov

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Federal Communications Commission
Washington, D.C. 20554Approved by OMB
3060-0506 (June 2002)

FOR FCC USE ONLY

FCC 302-FM

APPLICATION FOR FM BROADCAST STATION LICENSE

FOR COMMISSION USE ONLY
FILE NO.
BLH - 20061114AAL

Read INSTRUCTIONS Before Filling Out Form

Section I - General Information

1. Legal Name of the Applicant RAWHIDE RADIO, LLC		
Mailing Address 1999 AVENUE OF THE STARS SUITE 3050		
City LOS ANGELES	State or Country (if foreign address) CA	ZIP Code 90067 -
Telephone Number (include area code) 3105567600	E-Mail Address (if available)	
FCC Registration Number: 0006193643	Call Sign KLTO-FM	Facility Identifier 25588
2. Contact Representative (if other than Applicant) SCOTT R. FLICK, ESQ.		Firm or Company Name PILLSBURY WINTHROP SHAW PITTMAN LLP
Telephone Number (include area code) 2026638167	E-Mail Address (if available) SCOTT.FLICK@PILLSBURYLAW.COM	
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)		
4. Facility Information:		
a. <input checked="" type="radio"/> Commercial	<input type="radio"/> Noncommercial	
b. <input type="radio"/> Directional	<input checked="" type="radio"/> Nondirectional	
c. Community of License:		
City: MCQUEENEY	State: TX	
5. Program Test Authority:		
<input type="radio"/> Requesting program test authority.		
<input checked="" type="radio"/> Station operating pursuant to automatic program test authority (47 C.F.R. Section 73.1620(a)(1)).		
6. Purpose of Application:		
<input checked="" type="radio"/> Cover construction permit (list most recent construction permit file number -- starts with the prefix BPH, BNPH, BMPH, BPED, BMPED, or BMPED):		BPH-20060203ACK
<input type="radio"/> Modify an authorized license (list license file number -- starts with the prefix BLH, BMLH, BLEED, or BMLEL):		
<input type="radio"/> Amend a pending application If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised.		[Exhibit 1]

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal and Financial

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1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 2]
3.	Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
4.	Character Issues. Applicant certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
5.	Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
6.	Anti-Drug Abuse Act Certification. Applicant certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing C. DOUGLAS KRANWINKLE	Typed or Printed Title of Person Signing VICE PRESIDENT
Signature	Date 11/13/2006

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name CHARLES W. STAPLES	Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT	
Signature	Date 11/10/2006	
Mailing Address 4424 GLENWICK LANE		
City UNIVERSITY PARK	State or Country (if foreign address) TX	Zip Code 75205 - 1037
Telephone Number (include area code) 2145266200	E-Mail Address (if available) CHARLESSTAPLES@ATT.NET	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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Section III - Engineering**TECHNICAL SPECIFICATIONS**

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel: 249		
2.	a. Effective Radiated Power:	100 kW(H)	100 kW(V)
	b. Maximum Effective Radiated Power:	kW(H)	kW(V)
	(Beam-Tilt Antenna ONLY) <input checked="" type="checkbox"/> Not Applicable		
3.	Transmitter Power Output: 23 kW		
4.	Antenna Data		
	Manufacturer	Model	Number of Sections
	ERI	SHPX10AC	10
			Spacing Between Sections (wavelength)
			1

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

All applicants must complete this section.

5.	Main Studio Location. The main studio location complies with 47 C.F.R. Section 73.1125.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
6.	Transmitter Power Output. The operating transmitter power output produces the authorized effective radiated power.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]

APPLICATIONS FILED TO COVER A CONSTRUCTION PERMIT.

Only applicants filing this application to cover a construction permit must complete the following section.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

7.	Constructed Facility. The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 73.1690.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
8.	Special Operating Conditions. The facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]
	An exhibit may be required. Review the underlying construction permit.	[Exhibit 10]

APPLICATIONS FILED PURSUANT TO 47 C.F.R. SECTIONS 73.1675(c) or 73.1690(c).

Only applicants filing this application pursuant to 47 C.F.R. Sections 73.1675(c) or 73.1690(c) must complete the following section.

9.	Changing transmitter power output. Is this application being filed to authorize a change in transmitter power output caused by the replacement of omnidirectional antenna with another omnidirectional antenna or an alteration of the transmission line system? See 47 C.F.R. Sections 73.1690(c)(1) and (c)(10).	<input type="radio"/> Yes <input checked="" type="radio"/> No
10.	Increasing effective radiated power. Is this application being filed to authorize an increase in ERP for a	<input type="radio"/> Yes <input checked="" type="radio"/> No

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station operating in the nonreserved band (Channels 221-300)? See 47 C.F.R. Sections 73.1690(c)(4), (c)(5) and (c)(7).

If "Yes" to the above, the applicant certifies the following:

a. **Spacing Requirements.** The increase in ERP was authorized pursuant to MM Docket 88-375 (Class A stations) OR the facility complies with the spacing requirements of 47 C.F.R. Section 73.207.

☐ Yes ☐ No

See Explanation in
[Exhibit 11]

b. **International Coordination.** The transmitter site is greater than 320 km from the Canadian or Mexican borders OR coordination for the station's international class is complete.

☐ Yes ☐ No

See Explanation in
[Exhibit 12]

c. **Interference.** The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied OR are not applicable.

☐ Yes ☐ No

See Explanation in
[Exhibit 13]

[Exhibit 14]

Exhibit required. If the proposed facility must be notified to the entities set forth in 47 C.F.R. Section 73.1030, the applicant must provide a copy of the written approval for the ERP increase from the affected entity.

d. **Multiple Ownership Showing.** The increase in ERP will not require the consideration of a multiple ownership showing pursuant to 47 C.F.R. Section 73.3555.

☐ Yes ☐ No

See Explanation in
[Exhibit 15]

e. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.**

☐ Yes ☐ No

See Explanation in
[Exhibit 16]

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

f. **Increasing vertically polarized effective radiated power.** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(4) to authorize an increase in the vertically polarized ERP for a station operating in the reserved band (Channels 200-220)?

☐ Yes ☐ No

If "Yes" to the above, the applicant certifies the following:

a. **TV Channel 6 Protection Requirements.** The facility complies with the spacing requirements of 47 C.F.R. Section 73.525(a)(1).

☐ Yes ☐ No

See Explanation in
[Exhibit 17]

b. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.**

☐ Yes ☐ No

See Explanation in
[Exhibit 18]

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

g. **Decreasing effective radiated power (non-reserved channel).** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(8) to authorize a decrease in the ERP for a station operating in the nonreserved band (Channels 221-300)?

☐ Yes ☐ No

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If "Yes" to the above, the applicant certifies the following:

<p>a. Community Coverage. The proposed facility complies with the community coverage requirements of 47 C.F.R. Section 73.315 where the distance to the 3.16 mV/m contour is predicted using the standard prediction method in 47 C.F.R. Section 73.313.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 19]</p>
<p>b. Auxiliary Facilities. The authorized or pending auxiliary facilities for this station comply with 47 C.F.R. Section 73.1675(a).</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 20]</p>
<p>c. Multiple Ownership Showing. The decrease in ERP is not requested or required to establish compliance with 47 C.F.R. Section 73.3555.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 21]</p>
<p>13. Decreasing effective radiated power (reserved channel). Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(8) to authorize a decrease in the ERP for a station operating in the reserved band (Channels 200-220)?</p>	
<p>If "Yes" to the above, the applicant certifies the following:</p>	
<p>a. Community Coverage. The proposed facility complies with the community coverage requirements of 47 C.F.R. Section 73.1690(c)(8)(i) where the distance to the 1 mV/m contour is predicted using the standard prediction method in 47 C.F.R. Section 73.313.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 22]</p>
<p>b. Auxiliary Facilities. The authorized or pending auxiliary facilities for this station comply with 47 C.F.R. Section 73.1675(a).</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 23]</p>
<p>14. Replacing a directional antenna. Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(2) to replace a directional antenna with another directional antenna?</p>	
<p>If "Yes" to the above, the applicant certifies the following:</p>	
<p>a. Measurement of Directional Antenna. The composite measured pattern and measurement procedures comply with 47 C.F.R. Section 73.1690(c)(2). Exhibit required.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 24]</p> <p>[Exhibit 25]</p>
<p>b. Installation of Directional Antenna. The installation of the directional antenna complies with 47 C.F.R. Section 73.1690(c)(2). Exhibit required.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 26]</p> <p>[Exhibit 27]</p>
<p>15. Deleting contour protection status. Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(6) to delete contour protection status (47 C.F.R. Section 73.215) for a station operating in the nonreserved band (Channels 221-300)?</p>	
<p>If "Yes" to the above, the applicant certifies that the facility complies with the spacing requirements of 47 C.F.R. Section 73.207.</p>	
<p>16. Use a formerly licensed main facility as an auxiliary facility. Is this application being filed pursuant to 47 C.F.R. Section 73.1675(c)(1) to request authorization to use a formerly licensed main facility as an auxiliary facility and/or change the ERP of the proposed auxiliary facility?</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 28]</p>
<p>If "Yes" to the above, the applicant certifies the following:</p>	

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<p>a. Auxiliary antenna service area. <i>The proposed auxiliary facility complies with 47 C.F.R. Section 73.1675(a).</i></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 29]</p>
<p>b. Environmental Protection Act. The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1 306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>See Explanation in [Exhibit 30]</p>
<p>By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.</p>	
<p>17. Change the license status. Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(9) to change the license status from commercial to noncommercial or from noncommercial to commercial?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>If "Yes" to the above, submit an exhibit providing full particulars. For applications changing license status from commercial to noncommercial, include Section II of FCC Form 340 as an exhibit to this application.</p>	<p>[Exhibit 31]</p>

PREPARERS CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

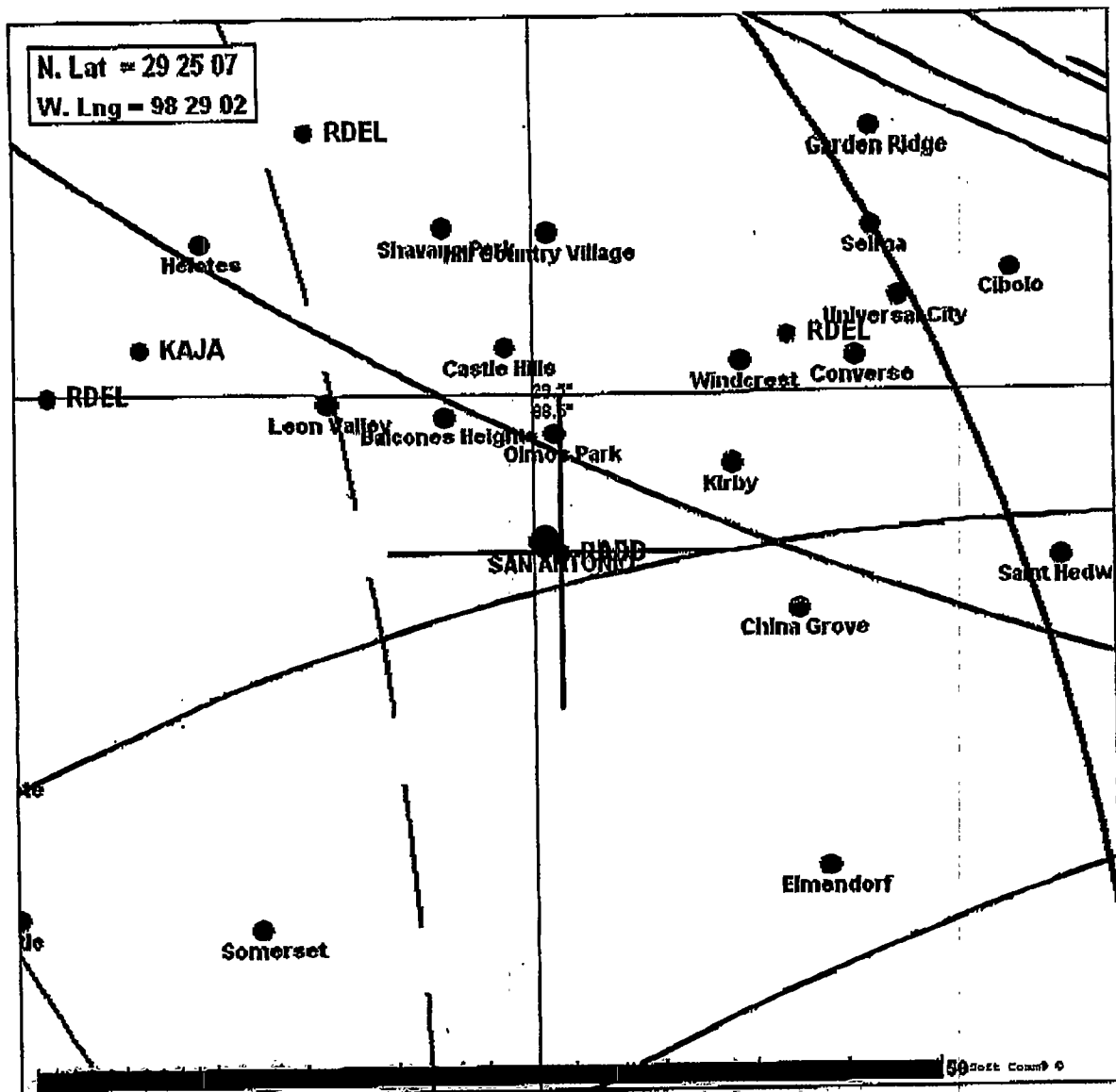
Exhibits

Attachment E
(Channel study for channel 249C1 at Converse, Texas)

Auburn

CH 249 C1, C, 97.7 MHz

Kzia, Inc.



Data Date:06-05-07 Job Date:06-08-07

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
RADD	249C1	ADD	Converse	TX	0.0	0.00	245.0	-245.0
RADD	249C1	ADD	Converse	TX	0.0	0.00	245.0	-245.0
RADD	249C1	ADD	Converse	TX	0.0	0.00	245.0	-245.0
RDEL	249C1	DEL	McQueeney	TX	0.0	0.00	245.0	-245.0
RDEL	249C1	DEL	McQueeney	TX	45.7	17.64	245.0	-227.3
KLTO-FM.C	249C1	CP	McQueeney	TX	93.7	79.94	245.0	-165.0
AL6127	249C1	RSV	McQueeney	TX	94.8	79.95	245.0	-165.0
RDEL	248C	DEL	Waco	TX	34.3	119.75	209.0	-89.2
KLTO-FM	249C3	LIC-Z	Cuero	TX	107.3	126.92	211.0	-84.0
RDEL	247C	DEL	San Antonio	TX	329.3	27.72	105.0	-77.2
RDEL	247C	DEL	San Antonio	TX	287.8	29.93	105.0	-75.0
KAJA	247C0	LIC	San Antonio	TX	296.8	26.00	94.0	-68.0
RADD	250A	ADD	Batesville	TX	246.7	109.41	133.0	-23.5
AL0554	250A	VAC	George West	TX	166.5	134.85	133.0	1.8
RADD	249A	ADD	Nolanville	TX	24.7	205.03	200.0	5.0
RADD	249A	ADD	Nolanville	TX	24.7	205.03	200.0	5.0
AL8853	248C	AL	San Carlos	CI	260.1	238.80	228.0	10.8

Attachment F

Sovereignty Study of State Department
1931-1932, pp. 145-146

"not within the lawful jurisdiction of any other government" shall be occupied by American citizens. The discoverer of guano was to make such assertion, under oath. This assertion was made as to the Swan Islands, and a certificate, based in part thereon, was issued. If the jurisdiction, or claim of jurisdiction, of another State had been advanced the certificate would have been refused. The Cayo Verde Case, cited above, is illustrative. The mere issuance of a certificate, based upon the represented state of facts, cannot modify or alter the true facts. It would seem to follow that the Swan Islands, dominion over which was in Honduras, were not of that class of islands contemplated in the Act.

The same section provides that islands so possessed may be considered at the discretion of the President "as appertaining to the United States". The use of the word "appertain" is deft, since it carries no exact meaning and lends itself readily to circumstance and the wishes of those using it. It has given rise to such words as "appurtenant" and "appurtenance". The common law denies that land can be appurtenant to land. In a strict sense an island cannot be appurtenant to other territorial possessions. If the word "appertain" and its variants cannot be given a strict meaning they lose what little value they have when relied upon for the creation or

assertion

assertion of legal rights. The meaning of the Act must be found outside the phrase quoted above.

Section 1418 authorizes the President "at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer..." If, upon occupation under the Guano Act, the islands were to become a part of the domain of the United States such authorization would be unnecessary. Further, the President probably would not have received discretionary power.

Section 1419 provides that nothing in the Act "shall be construed as obliging the United States to retain possession of the islands" after the removal of guano. If the word "possession" was used in a strict sense it follows that a mere temporary occupation, for a fixed purpose, was contemplated. Of course, possession could be retained. But it is doubtful if the Act contemplated such occupation as would give rise to the right of sovereignty.

Section 1412 stipulates that a discoverer shall show, inter alia, that "possession was taken in the name of the United States...". This condition was included in the Attorney General's opinion of June 2, 1857. As shown above, several certificates recited that occupation was taken in the name of the United States; the Swan Islands certificate did not. But it is my opinion that

Attachment G

Federal Communications Commission

DA 04-1200

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of
Amendment of Section 73.202(b)
FM Table of Allotments,
FM Broadcast Stations.
(Vinton, Louisiana, Crystal Beach,
Lumberton, and Winnie, Texas)¹

)
)
) MB Docket No. 02-212
) RM-10516
) RM-10618
)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 30, 2004

Released: May 4, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*² issued at the request of Charles Crawford ("Crawford"), requesting the allotment of Channel 287A at Vinton, Louisiana, as a first local service. Crawford filed comments and reply comments, restating his intent to file an application for Channel 287A at Vinton at the appropriate time. Tichenor License Corporation ("Tichenor") filed a counterproposal, comments and reply comments.³ For the reasons discussed below, we are granting Tichenor's counterproposal and dismissing Crawford's petition.

2. Tichenor, licensee of Station KOBT, formerly Station KLAT, Winnie, Texas, and Station KLTO, Crystal Beach, Texas, filed a counterproposal in this proceeding. Tichenor requests the reallocation of Station KOBT, Channel 264C, from Winnie, Texas, to Lumberton, Texas, and modification of the license for Station KOBT to specify operation at Lumberton as that community's first local service. Tichenor further requests the substitution of Channel 287C2 for Channel 287A at Crystal Beach, Texas, reallocation of Channel 287C2 to Winnie, Texas, and modification of the license for Station KLTO accordingly. The proposed reallocation of Station KLTO and Station KOBT was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.⁴ In support of the proposal, Tichenor states that its counterproposal conflicts with the allotment of Channel 287A at Vinton, as proposed in the *Notice*, offers a first local service to the larger community of Lumberton, and allows Station KLTO to expand its service at a new community. According to Tichenor, Channel 287C2 can be allotted to Winnie in compliance with the Commission's spacing requirements at its specified site. Tichenor provided a gain and loss study showing a net gain in 60 dBu service to a population of 269,619 people in an area of 4,390 square kilometers. The small loss area will remain well served by at least five aural services. Tichenor points out that Winnie is not located within an

¹ The communities of Crystal Beach, Lumberton and Winnie, Texas, have been added to the caption.

² See *Vinton, Louisiana*, 17 FCC Red 15191 (MB 2002).

³ The counterproposal was put on Public Notice on December 11, 2002, Report No. 2587 (RM-10618).

⁴ See *Modification of FM and TV Authorizations to Specify a new Community of License*, 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990).

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Urbanized Area nor will the 70 dBu contour of Station KLTO cover more than 50 percent of any Urbanized Areas. Tichenor acknowledges that the reallocation of Station KOBT from Winnie to Lumberton removes the sole local service in that community. However, reallocation of Station KLTO from Crystal Beach to Winnie will maintain local service in Winnie. Tichenor states that there will be no gain or loss in service for Station KOBT as no site change is requested. Tichenor states that because no change in facilities is proposed, the proposed Lumberton station does not implicate the Commission's policy concerning the potential migration of stations from rural areas to urban areas. Nevertheless, Tichenor is providing evidence that Lumberton is independent from Beaumont under the factors set forth in *Faye and Richard Tuck*.⁵ Tichenor concludes that grant of its counterproposal is in the public interest as the larger community of Lumberton (8,731 people) will receive a first local service over Vinton (3,338 people) and expanded service will be provided to 269,619 people at Winnie with the upgrade and reallocation of Station KLTO.

3. Reply comments were filed by Crawford and Tichenor.⁶ Crawford argues that Tichenor's counterproposal is two independent proposals: moving Station KOBT from Winnie, Texas, to Lumberton, Texas and moving Station KLTO from Crystal Beach, Texas, to Winnie, Texas. Crawford further argues that the reallocation of Station KOBT, Channel 264C, from Winnie to Lumberton is not in conflict with the proposed allotment of Channel 287A at Vinton. Instead, Tichenor has created a conflict with the reallocation of Station KLTO, Channel 287C2, from Crystal Beach to Winnie. According to Crawford, the Commission should view the move of Station KOBT from Winnie to Lumberton on its own merits and not require the replacement of the existing Winnie allotment. Crawford contends that the only purpose for the reallocation of Station KOBT from Winnie to Lumberton is to overcome the first local service status that would be afforded to an allotment at Vinton, Louisiana. Crawford acknowledges that if the choice is between a first local service at Vinton or Lumberton, Lumberton is a more deserving community by virtue of its population. However, if the choice is to also have Station KLTO relocate from Crystal Beach to Winnie, the Commission must analyze the basis for the relocation of Station KLTO and award a first local preference to Vinton. Crawford believes the only consideration should be the mutual exclusivity between an allotment at Vinton and an allotment at Lumberton. Tichenor, in reply comments, points out that it submitted a timely-filed counterproposal which has been accepted in this proceeding. According to Tichenor, its proposal is superior to Crawford's proposal under the Commission's standard FM allotment criteria as it will provide a first local service to a larger community. Tichenor argues that its proposal is not two independent proposals as the reallocation of Channel 264C to Lumberton is dependent on the reallocation of Channel 287C2 at Winnie as a replacement service. In reply to Crawford's argument that the reallocation of Station KLAT, with no site change, is a misuse of Commission procedures to create a first local service, Tichenor cites to numerous Commission proceedings which granted a reallocation with no site change.⁷ Tichenor contends that Crawford's pleadings appear reminiscent of issues raised in comparative hearing processes previously used by the Commission to determine which one of mutually-competing applicants was entitled to the award of an FM construction permit for a new station.⁸ Tichenor argues that the sole object of this proceeding is to determine which proposal would provide better service to the public. Tichenor believes that its counterproposal is procedurally proper and superior to Crawford's proposal under the public interest standards uniformly used by the Commission in resolving FM rule making allotment proceedings.

5. Discussion. This case involves a comparison between two competing first local services under our

⁵ See *Faye and Richard Tuck*, 3 FCC Red 5374 (1988).

⁶ Late-filed comments were filed by Crawford and Tichenor.

⁷ See *Kankakee and Park Forest, Illinois*, 16 FCC Red 6768 (MM 2001), *El Dorado and Camden, Arkansas*, 14 FCC Red 9564 (MM 1999), *Ankeny and West Des Moines, Iowa* 15 FCC 4413 (MM 2000).

⁸ See, *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, 5 RR 2d 1901 (1965).

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FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.⁹ The reallocation of Channel 287C2 from Crystal Beach to Winnie as the replacement for the loss of a sole local service at Winnie is a necessary and integral part of the counterproposal and enables us to make a comparison between first local services at Vinton and Lumberton. A review of the proposals indicates that both Vinton and Lumberton are deserving of an FM allotment. The allotment of Channel 287A at Vinton or Channel 287C2 at Winnie would provide a first local service to each community, fulfilling priority (3). Therefore, our decision must be based on the community with the larger population. As Winnie (population 8,731) is larger than Vinton (population 3,338), we believe the public interest would be served by allotting Channel 287C2 at Winnie as it would provide a first local aural transmission service to the larger community.

6. A staff engineering analysis verifies that the requested reallocations can be made in compliance with the Commission's spacing requirements.¹⁰ Our analysis confirms that the reallocation of Channel 287C2 from Crystal Beach to Winnie at Tichenor's selected site will result in a net gain in service to a population of approximately 270,000 people in an area of approximately 4,400 square kilometers with a small loss area that is served by at least five aural services. There will be no gain or loss with respect to the relocation of Channel 264C from Winnie to Lumberton, as no site change is contemplated. While Winnie and Lumberton are located within the Beaumont Urbanized Area, since Station KLTO will not be changing sites, the station is not relocating from a rural to an urban area as the station is already located in an urban area. In any event, Tichenor has provided a showing that Lumberton is independent of Beaumont under the factors set forth in *Faye and Richard Tuck*.¹¹ The Commission has specifically stated that the public has a legitimate expectation that existing service will continue, and that this expectation is a factor to be weighed independently against the service benefits that may result from reallocating a channel. Therefore, although we are granting Tichenor's proposal to provide first local service to Lumberton, to ensure that local service will continue to be provided to Winnie, we shall condition the grant of an authorization to operate Station KOBT, Channel 264C, at Lumberton on the activation of service for Station KLTO, Channel 287C2, at Winnie.¹²

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED That effective June 18, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's rules, IS AMENDED, with respect to the communities listed below, as follows:

Community	Channel
Crystal Beach, Texas	268C3
Lumberton, Texas	264C
Winnie, Texas	287C2

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Tichenor License Corporation for Station KOBT, Winnie, Texas, IS MODIFIED to specify operation on Channel 264C at Lumberton, Texas, in lieu of Channel 264C at Winnie, Texas, and

⁹ See 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service; (2) second fulltime aural service; (3) First local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3).

¹⁰ The coordinates for Channel 287C2 at Winnie are 29-41-45 and 94-19-34. The coordinates for Channel 264C at Lumberton are 30-03-05 and 94-31-37.

¹¹ See 3 FCC Red 5374 (1988).

¹² See *Llano and Murble Falls, TX*, 12 FCC Red 809 (MM 1997) and *Pacific Broadcasting of Missouri LLC*, 18 FCC Red 2291 (2003), *reconn. pending*.

Federal Communications Commission

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the license for Station KLTO, Crystal Beach, Texas, IS MODIFIED to specify operation on Channel 287C2 at Winnie, Texas, in lieu of Channel 287A at Crystal Beach, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may not be conducted by Station KOBT at Lumberton until Station KLTO has commenced operation at Winnie in accordance with Section 73.1620 of the Rules.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's rules unless the proposed facilities are categorically excluded from environmental processing.

9. IT IS FURTHER ORDERED, That the petition filed by Charles Crawford IS DISMISSED.

10. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(l), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change of community. As a result of this proceeding, Tichenor License Corporation, licensee of Station KOBT, Winnie, Texas, and Station KLTO, Crystal Beach, Texas, is required to submit a rule making fee in addition to the fees required for the applications to effect the change of community for Station KOBT and for the change of community and class of channel for Station KLTO.

11. For further information regarding the proceeding listed above, contact Robert Hayne, (202)418-2180.

12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Attachment H

radio-locator

Find US radio stations by location

city/zip San Antonio

state TX

go

find by call letters

go

Site Navigation:

[home page](#)

[city search](#)

[call sign search](#)

[format search](#)

[u.s. state search](#)

[canadian search](#)

[international search](#)

[advanced search](#)

[mobile edition](#)

There are 46 radio stations within close listening range of
San Antonio, Texas. (29° 27' 06" N, 98° 30' 46" W)

② Didn't find your station? [Click here](#) to modify your search.

② Info: Click on this icon to get more information about a station or to submit a change.

⚡ Bitcaster: Indicates that the station broadcasts its audio on the Internet.

Distances to the stations are in miles.

Info	Call Sign	Frequency	Dist./Signal	City	School	Format
③	KPAC	88.3 FM	13.6 mi.	San Antonio, TX		Classical
⚡ ③	K204DX (KAWZ)	88.7 FM	12.0 mi.	San Antonio, TX		Religious
⚡ ③	KSTX	89.1 FM	13.6 mi.	San Antonio, TX		Public Radio
⚡ ③	KSYM	90.1 FM	0.9 mi.	San Antonio, TX	San Antonio College	College
⚡ ③	KYFS	90.9 FM	22.2 mi.	San Antonio, TX		Religious
⚡ ③	KZLV	91.3 FM	19.9 mi.	Lytle, TX		Christian Contemporary
⚡ ③	KRTU	91.7 FM	2.0 mi.	San Antonio, TX	Trinity University	Jazz
③	KROM	92.9 FM	19.3 mi.	San Antonio, TX		Spanish
③	KLEY	94.1 FM	18.5 mi.	Floresville, TX		Spanish
③	KCOR	95.1 FM	32.8 mi.	Comfort, TX		Spanish
③	KXXM	96.1 FM	14.4 mi.	San Antonio, TX		Hot AC
③	KAJA	97.3 FM	13.6 mi.	San Antonio, TX		Country
③	KNGT (CP) ②	97.7 FM	52.8 mi.	McQueeney, TX		Tejano
③	KBBT	98.5 FM	13.6 mi.	Schertz, TX		Urban Contemporary
⚡ ③	KISS	99.5 FM	19.3 mi.	San Antonio, TX		Rock
⚡ ③	KCYX	100.3 FM	13.6 mi.	San Antonio, TX		Country
⚡ ③	KONO	101.1 FM	13.6 mi.	Helotes, TX		Oldies
③	KQXT	101.9 FM	2.9 mi.	San Antonio, TX		Adult Contemporary
③	KSRX	102.7 FM	2.9 mi.	San Antonio, TX		Rock
③	KEYI	103.5 FM	55.9 mi.	San Marcos, TX		Oldies
③	K279AB (KMFR)	103.7 FM	5.3 mi.	San Antonio, TX		Classic Rock
③	KRIO	104.1 FM	52.7 mi.	Pearsall, TX		Country
③	KZEP	104.5 FM	2.8 mi.	San Antonio, TX		Classic Rock
⚡ ③	KSMG	105.3 FM	19.3 mi.	Seguin, TX		Hot AC
⚡ ③	KELZ	106.7 FM	18.5 mi.	Terrell Hills, TX		Top-40
③	KXTN	107.5 FM	19.3 mi.	San Antonio, TX		Tejano

① KTSA	550 AM	6.6 mi.	San Antonio, TX
② KLBJ	590 AM	75.9 mi.	Austin, TX
③ KSLR	630 AM	10.6 mi.	San Antonio, TX
④ KKYX	680 AM	19.5 mi.	San Antonio, TX
⑤ KSAH	720 AM	20.9 mi.	Universal City, TX
⑥ KTKR	760 AM	12.3 mi.	San Antonio, TX
⑦ KSJL	810 AM	9.6 mi.	Somerset, TX
⑧ KONO	860 AM	5.7 mi.	San Antonio, TX
⑨ KLUP	930 AM	7.9 mi.	Terrell Hills, TX
⑩ KBIB	1000 AM	22.6 mi.	Marion, TX
⑪ KDRY	1100 AM	11.0 mi.	Alamo Heights, TX
⑫ KRDY	1160 AM	11.9 mi.	San Antonio, TX
⑬ WOAI	1200 AM	23.4 mi.	San Antonio, TX
⑭ KZDC	1250 AM	5.1 mi.	San Antonio, TX
⑮ KXTN	1310 AM	10.5 mi.	San Antonio, TX
⑯ KCOR	1350 AM	8.1 mi.	San Antonio, TX
⑰ KFNI	1380 AM	31.2 mi.	Pleasanton, TX
⑱ KGNB	1420 AM	25.0 mi.	New Braunfels, TX
⑲ KCHL	1480 AM	6.5 mi.	San Antonio, TX
⑳ KEDA	1540 AM	11.7 mi.	San Antonio, TX

News/Talk
News/Talk
Religious
Country
Spanish
Sports
Urban Contemporary
Oldies
Nostalgia
Spanish
Religious
Children's
News/Talk
Spanish
Tejano
Spanish
Ethnic
Talk
Gospel Music
Spanish

very weak signal weak signal moderate signal strong signal very strong signal

Try another search:

- Click on the help icons for additional information about a search term.
- If you are having trouble locating stations, look [here](#) for tips.
- Look [here](#) to find stations by geographic coordinates.

1. Enter your city or zipcode: (United States only)

City or Zipcode: State (optional) :
San Antonio TX

2. Choose which types of radio stations to find:

☐ AM Only ☐ FM Only ☒ AM and FM

- ☒ Licensed Stations ☒ Low Power FM Stations
☒ Construction Permits ☒ FM Translators
☒ Unlicensed Stations ☒ FM Booster Stations

Station Format: Any Format

3. Choose a reception range:

☒ Local Stations Only

<http://www.radio-locator.com/cgi-bin/locate?select=city&city=San+Antonio&state=TX&sid=&x=0&y=0>

7/6/200

Attachment I

radio-locator

Presenting the MIT List of Radio Stations on the Internet



find US radio stations by location

city/zip Austin

state TX

go

find by call letters

go

Do you want to sell merch like this...

Site Navigation:

[home page](#)
[city search](#)
[call sign search](#)
[format search](#)
[u.s. state search](#)
[canadian search](#)
[international search](#)
[advanced search](#)
[mobile edition](#)

There are 45 radio stations within close listening range of Austin, Texas. (30° 18' 02" N; 97° 44' 50" W)

② Didn't find your station? [Click here](#) to modify your search.

② Info: Click on this icon to get more information about a station or to submit a change.

⚡ Bitcaster: Indicates that the station broadcasts its audio on the Internet.

Distances to the stations are in miles.

Info	Call Sign	Frequency	Dist./Signal	City	School	Format
①	KNLE	88.1 FM	11.5 mi.	<u>Round Rock, TX</u>		Christian Contemporary
①	KAZI	88.7 FM	5.0 mi.	<u>Austin, TX</u>		Urban Contemporary
⚡ ①	K206CE (KAWZ)	89.1 FM	9.9 mi.	<u>Austin, TX</u>		Religious
①	KMFA	89.5 FM	3.5 mi.	<u>Austin, TX</u>		Classical
⚡ ①	KUT	90.5 FM	7.2 mi.	<u>Austin, TX</u>	University of Texas	Public Radio
⚡ ①	KNCT	91.3 FM	48.0 mi.	<u>Killeen, TX</u>	Central Texas College	Variety
⚡ ①	KOOP	91.7 FM	5.0 mi.	<u>Hornsby, TX</u>		Variety
⚡ ②	KVRX	91.7 FM	5.0 mi.	<u>Austin, TX</u>	University of Texas	College
①	KQJZ	92.1 FM	18.9 mi.	<u>Hutto, TX</u>		Smooth Jazz
②	KKLB (CP) ②	92.5 FM	21.5 mi.	<u>Elgin, TX</u>		Tejano
①	KDHT	93.3 FM	32.8 mi.	<u>Cedar Park, TX</u>		Hip Hop
①	KLBJ	93.7 FM	2.8 mi.	<u>Austin, TX</u>		Rock
②	KAMX	94.7 FM	3.5 mi.	<u>Luling, TX</u>		Hot AC
②	KKMJ	95.5 FM	3.5 mi.	<u>Austin, TX</u>		Adult Contemporary
①	KHFI	96.7 FM	3.5 mi.	<u>Georgetown, TX</u>		Top-40
②	KVET	98.1 FM	3.5 mi.	<u>Austin, TX</u>		Country
①	KHHL	98.9 FM	32.8 mi.	<u>Leander, TX</u>		Spanish
②	K259AJ (KDHT)	99.7 FM	3.5 mi.	<u>Austin, TX</u>		Hip Hop
②	KASE	100.7 FM	3.5 mi.	<u>Austin, TX</u>		Country
②	KROX	101.5 FM	3.5 mi.	<u>Buda, TX</u>		Alternative
②	KPEZ	102.3 FM	7.2 mi.	<u>Austin, TX</u>		Classic Rock
①	KEYI	103.5 FM	19.4 mi.	<u>San Marcos, TX</u>		Oldies
②	KQBT	104.3 FM	24.6 mi.	<u>Taylor, TX</u>		Top-40
①	KXXS	104.9 FM	31.4 mi.	<u>Marble Falls, TX</u>		Spanish
②	KXXS (CP) ②	104.9 FM	17.4 mi.	<u>Dripping Springs, TX</u>		Spanish
①	KEMK	105.9 FM	3.5 mi.	<u>Round Rock, TX</u>		Rhythmic Oldies

③ KGSR

107.1 FM 15.9 mi. ☒ Bastrop, TX

Adult Album Alternative

③ KINV

107.7 FM 23.2 mi. ☒ Georgetown, TX

Tejano

③ KTSA

550 AM 68.6 mi. ☒ San Antonio, TX

News/Talk

③ KLBJ

590 AM 8.3 mi. ☒ Austin, TX

News/Talk

③ KSLR

630 AM 72.5 mi. ☒ San Antonio, TX

Religious

③ KKYX

680 AM 85.4 mi. ☒ San Antonio, TX

Country

③ KSAH

720 AM 59.2 mi. ☒ Universal City, TX

Spanish

③ KIXL

970 AM 7.5 mi. ☒ Del Valle, TX

Religious

③ KBBW

1010 AM 98.3 mi. ☒ Waco-Martin, TX

Religious

③ KFIT

1060 AM 6.0 mi. ☒ Lockhart, TX

Gospel Music

③ WOAJ

1200 AM 59.8 mi. ☒ San Antonio, TX

News/Talk

③ KWNX

1260 AM 29.0 mi. ☒ Taylor, TX

Sports

③ KVET

1300 AM 5.5 mi. ☒ Austin, TX

Sports

③ KJCE

1370 AM 5.9 mi. ☒ Rollingwood, TX

Talk

③ KELG

1440 AM 12.3 mi. ☒ Manor, TX

Spanish

③ KFON

1490 AM 4.0 mi. ☒ Austin, TX

Spanish

③ KZNX

1530 AM 16.8 mi. ☒ Creedmoor, TX

Sports

③ KTXZ

1560 AM 7.0 mi. ☒ West Lake Hills, TX

Spanish

③ KOKE

1600 AM 12.4 mi. ☒ Pflugerville, TX

Spanish

☒ very weak signal
 ☒ weak signal
 ☒ moderate signal
 ☒ strong signal
 ☒ very strong signal

Try another search:

- Click on the ③ help icons for additional information about a search term.
- If you are having trouble locating stations, look [here](#) for tips.
- Look [here](#) to find stations by geographic coordinates.

1. Enter your city or zipcode: (United States only) ③

City or Zipcode:

Austin

State (optional):

TX

2. Choose which types of radio stations to find:

☐ AM Only
 ☐ FM Only
 ☒ AM and FM
☒ Licensed Stations ③☒ Low Power FM Stations ③☒ Construction Permits ③☒ FM Translators ③☒ Unlicensed Stations ③☒ FM Booster Stations ③

Station Format: Any Format

3. Choose a reception range: ③

☒ Local Stations Only
<http://www.radioLocator.com/cgi-bin/locate?select=city&city=Austin&state=TX&sid=&x=0&y=0>

7/6/200

CERTIFICATE OF SERVICE

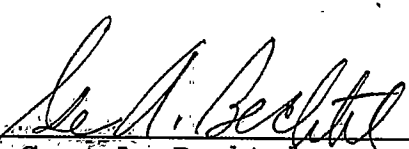
I, Gene A. Bechtel, certify that on or before June 15, 2007 I will have caused to be mailed by first class mail, postage prepaid, or delivered by courier a copy of the foregoing Response to Counterproposal to the following:

Mark N. Lipp, Esq.
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Rawhide Radio, LLC

Gregory L. Masters, Esq.
Wiley Rein & Fielding LLP
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Gene A. Bechtel